

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 255 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

SADAF SHOEB PATEL @ KAVITA D/O PURSHOTTAM BAGHCHANDANI

Versus

STATE OF GUJARAT

Appearance:

MR SAURIN A SHAH for Petitioners
MRS BR GAJJAR, APP for Respondent No. 1
MR PR JOSHI for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 03/04/98

ORAL JUDGEMENT

Heard learned Advocate Mr. Saurin A Shah appearing for the petitioner. Rule. Learned APP Mrs. BR Gajjar and learned Advocate Mr. PR Joshi waive service of Rule on behalf of Respondents No. 1 & 2 respectively. Respondent No.3 is present personally in the court.

2. Having regard to the facts and circumstances averred in the petition and submission urged at the Bar, it appears that a complaint has been filed against petitioner No.2 under Sections 342, 366, 506 read with 114 of the IPC. That learned JMFC, Ankleshwar has referred the complaint for investigation under Section 156(3) of the Cr.P.C. Present Respondent No.3 is in-charge of the investigation and investigation is pending. In the meanwhile, petitioner No.2 has obtained anticipatory bail.

3. The petitioner has shown apprehension that respondent No.3 at the instance of parents of petitioner No.1 is likely to harass the petitioners though petitioners No. 1 and 2 both are major and have married according to their free will and consent. Under the circumstances, the petitioners have prayed that statement of petitioner No.1 may be recorded and matter may be disposed of accordingly.

4. I am told that the petitioner No.1 is present in the court today and petitioner No.3 - Investigation Officer is also present. Under the circumstances, respondent No.3 - Investigation Officer is directed to record the statement of petitioner No.1 in the presence of Vigilance Officer, High Court of Gujarat and to submit the papers to the court of JMFC, Ankleshwar on 6th April, 1998. The petitioners are directed to appear before the court of JMFC, Ankleshwar on 6th April, 1998 and the court is directed to verify the statements of petitioners No. 1 and 2 as recorded by Investigation Officer and to dispose of the Criminal Complaint in accordance with law. The court of JMFC, Ankleshwar is further directed to provide protection to petitioners No. 1 and 2, in case if they need either against the parents of petitioner No.1 or some outsiders till the complaint is finally disposed of. Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

p.n.nair